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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/726,468	CROY, JOHN	
	Examiner	Art Unit	
	Philip C Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4 and 5*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 are presented for examination.

2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3. The specification is objected to because of the following informalities and grammar errors, page 11, line 12, "FIG. 8" [i.e. no fig. 8]. Appropriate correction is required.

Claim Rejections – 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-9, 14, 17-18 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Wies et al, U.S. Patent 6,353,850 (hereinafter Wies).

7. As per claim 1, Wies taught the invention as claimed for generating data representative of audio, the system comprising

a client (fig. 1; col. 6 lines 25-28);

a server in communication with said client over a network (fig. 1; col. 6, lines 28-35); and

a set of instructions, said set of instructions being configured to generate data representative of audio in response to a user event, said user event being generated on said client (col. 11, lines 28-34; col. 12, lines 28-32; col. 16, lines 21-30; col. 18, lines 1-17; col. 32, lines 39-67; col. 35, lines 10-39).

8. As per claim 24, Wies taught the invention as claimed for generating data representative of audio comprising:

displaying at least one viewable window (fig. 8; col. 21, lines 3-7);

locating a pointer outside of said viewable windows (col. 9, lines 56-64; col. 16, lines 5-10; col. 19, lines 19-22; col. 20, lines 2-4; col. 21, lines 25-31); and

generating data representative of audio based on the location of said pointer (col. 11, lines 28-34; col. 12, lines 28-32; col. 16, lines 21-30; col. 18, lines 1-17; col. 32, lines 39-67; col. 35, lines 10-39).

9. As per claim 2, Wies taught the invention as claimed in claim 1 above. Wies further taught wherein said set of instructions comprises a mathematical formula (col. 21, lines 26-59).

10. As per claim 3, Wies taught the invention as claimed in claim 2 above. Wies further taught wherein said mathematical formula comprises variables, the value of which is determined by said user event (col. 21, lines 26-59).

11. As per claim 4, Wies taught the invention as claimed in claim 3 above. Wies further taught wherein said variables are related to the coordinates of a user's pointer (col. 21, lines 26-59; col. 22, lines 17-19).

12. As per claim 5, Wies taught the invention as claimed in claim 1 above. Wies further taught wherein said set of instructions receives a stream of data as said user event (col. 18, lines 59-col. 19, lines 3).

13. As per claim 6, Wies taught the invention as claimed in claim 1 above. Wies further taught wherein said set of instructions is transmitted form said server to said client via said network (col. 11, lines 28-34;col. 17, lines 27-29).

14. As per claim 7, Wies taught the invention as claimed in claim 6 above. Wies further taught wherein said set of instructions is transmitted in conjunction with a viewable window which is displayed on said client (col. 11, lines 28-34; col. 17, lines 26-44).

15. As per claim 8, Wies taught the invention as claimed in claim 7 above. Wies further taught wherein said user event occurs outside said viewable window (col. 16, lines 1-10; col. 20, lines 2-4; col. 35, lines 24-39).

16. As per claim 9, Wies taught the invention as claimed in claim 7 above. Wies further taught wherein said user event occurs within said viewable window (col. 13, lines 16-19; col. 16, lines 1-10).

17. As per claim 14, Wies taught the invention as claimed in claim 7 above. Wies further taught comprising a second server, said second server providing content to said client (col. 16, lines 58-col. 17, lines 9).

18. As per claim 17, Wies taught the invention as claimed in claim 14 above. Wies further taught wherein said selected content comprises a web page (col. 16, lines 58-col. 17, lines 9).

19. As per claim 18, Wies taught the invention as claimed in claim 1 above. Wies further taught wherein said network is chosen from the group including Internet and World Wide Web (col. 3, lines 27-31).

Claim Rejections – 35 USC 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 19-20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha, U.S. Patent 6,345,293 (hereinafter Chaddha) in view of "Official Notice".

22. As per claims 19-20 and 26, Chaddha taught the invention substantially as claimed for providing multi-media content to a user (col. 5, lines 22-25), the method comprising:

obtaining user profiling data associated with a user (col. 6, lines 52-59);

combining said content for said first medium with said content for said second medium to form multi-media content (col. 5, lines 22-24); and

providing said multi-media content to said user (col. 7, lines 7-9).

23. Chaddha did not specifically detailing selecting content for a first medium and content for a second medium based on user data. However, Chaddha taught generating personalized content based on user profiling data (col. 7, lines 2-7).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to select both a first medium and content for a second medium based on user data because by doing so would increase the probability of providing target contents based on the interest of the user.

25. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha in view of Wies.

26. As per claim 22, Chaddha taught the invention substantially as claimed comprising:

a user with a client, said client providing requests for material, and comprising a display device (col. 5, lines 63-67);

a content provider having a page responsive to said requests for material, the content provider providing requests for viewable windows (col. 6, lines 1-6); and

a server having viewable windows responsive to said requests for viewable windows (col. 6, lines 3-6).

27. Chaddha did not teach instructions for generating audio data in response of user event. Wies taught the invention comprising:

a set of instructions, said set of instructions configured to generate data representative of audio in response to user events (col. 11, lines 28-34; col. 12, lines 28-32; col. 16, lines 21-30; col. 18, lines 1-17; col. 32, lines 39-67; col. 35, lines 10-39);

wherein said user events are generated by said user interacting with said client (col. 22, lines 33-35; col. 35, lines 15-24).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chaddha and Wies because Wies's system of instruction for generating audio data in response to user event would increase the user's enjoyment in Chaddha system by producing sounds according to the user's interaction with objects on the webpage.

29. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wies in view of Merriman et al, U.S. Patent 5,948,061 (hereinafter Merriman).

30. As per claim 10, Wies taught the invention substantially as claimed in claim 7 above. Wies did not specifically detailing said viewable window has content used for advertising purpose. Merriman taught wherein said viewable window has content used for commerce, advertising, or entertainment purposes (col. 3, lines 5-15).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wies and Merriman because Merriman's method of viewable window with advertising content would increase the revenue of the webpage owner by allowing advertisement to be display to the user viewing a webpage for a fee.

32. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wies in view of Weisberg et al, U.S. Patent 6,351,736 (hereinafter Weisberg).

33. As per claims 11 and 25, Wies taught the invention substantially as claimed in claims 7 and 24 above. Wies did not teach an advertising banner. Weisberg taught wherein said viewable window comprises an advertising banner (col. 7, lines 12-15).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wies and Weisberg because Weisberg's method an advertising banner would increase the revenue of the webpage owner in Wies's system by allowing advertising banner to be display to the user viewing a webpage for a fee.

35. Claims 12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wies in view of Chaddha.

36. As per claims 12 and 15, Wies taught the invention substantially as claimed in claims 7 and 14 above. Wies did not teach choosing said viewable window according to user profiling data. Chaddha taught wherein the content of said viewable window is chosen according to user profiling data (col. 7, lines 2-9).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wies and Chaddha because Chaddha's method of choosing content according to user profiling data would increase the probability of providing target advertisement to a user by accounting for the user's interest based on the user's online history.

38. As per claim 16, Wies and Chaddha taught the invention substantially as claimed in claim 15 above. Chaddha further taught wherein said user profiling data includes reference to said content provided by said second server (col. 6, lines 59-62).

39. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha in view of Weisberg.

40. As per claim 21, Chaddha taught the invention substantially as claimed in claim 20 above. Chaddha did not teach an advertising banner. Weisberg taught wherein said viewable window comprises an advertising banner (col. 7, lines 12-15).

41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chaddha and Weisberg because Weisberg's method an advertising banner would increase the revenue of the webpage owner in Chaddha's system by allowing advertising banner to be display to the user viewing a webpage for a fee.

42. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha and Wies in view of Weisberg.

43. As per claim 23, Chaddha and Wies taught the invention substantially as claimed in claim 22 above. Chaddha and Wies did not teach an advertising banner. Weisberg taught wherein said viewable window comprises an advertising banner (col. 7, lines 12-15).

44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chaddha, Wies and Weisberg because Weisberg's method an advertising banner would increase the revenue of the webpage owner in Chaddha's and Wies's systems by allowing advertising banner to be display to the user viewing a webpage for a fee.

45. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wies and Chaddha in view of Merriman.

46. As per claim 13, Wies and Chaddha taught the invention substantially as claimed in claim 12 above. Wies and Chaddha did not specifically teach including the number of times a users has interacted with other viewable windows. Merriman taught wherein said user profiling data includes the number of times a user has interacted with other viewable windows (col. 5, lines 56-60; col. 6, lines 12-26).

47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wies, Chaddha and Merriman because Merriman's method of choosing content according to user profiling data would increase the probability of providing target advertisement to a user in Wies's and Chaddha's systems by targeting user with advertisement related to their interest based on the frequency of the user's interaction with other advertisements.

CONCLUSION

48. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

51. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.

JOHN FOLLANSBEE
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